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DATE FILED: 5/20/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELITE PERFORMANCE FUND LTD and
DISTRESSED / HIGH -YIELD TRADING
OPPORTUNITIES FUND,

Plaintiffs,

-against-

VITEOS FUND SERVICES LTD,

Defendant.
----- X

Civil Action No.:
08CV2041 (PKC)

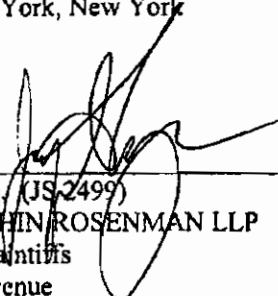
STIPULATION OF
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WITH PREJUDICE

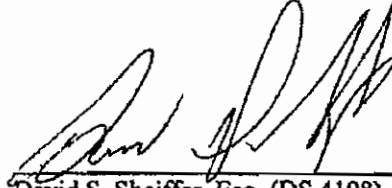
IT IS HEREBY STIPULATED and agreed that the foregoing action is hereby discontinued with prejudice; and

IT IS FURTHER STIPULATED that as the parties have entered into a confidential settlement agreement dated April 25, 2008 no party or their counsel shall disclose the terms of said agreement absent an order of this Court or another Court of competent jurisdiction; and

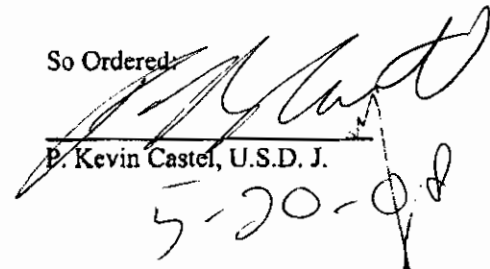
IT IS FURTHER STIPULATED that as no party to this action is an infant or incompetent each party shall bear their own attorneys fees and costs.

Dated: May 19, 2008
New York, New York


Jay Shapiro, Esq. (JS 2499)
KATTEN MUCHIN ROSENMAN LLP
Attorneys for Plaintiffs
575 Madison Avenue
New York, NY 10022
(212) 940-8800


David S. Sheiffer, Esq. (DS 4198)
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendant
VITEOS FUND SERVICES LTD,
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000

So Ordered:


P. Kevin Castel, U.S.D. J.
5-20-08